

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED
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MOTOROLA, INC., AND
FREESCALE SEMICONDUCTOR,
INC.,

PLAINTIFFS,

V.

MICRON TECHNOLOGY, INC.,
DEFENDANT.

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CAUSE NO. A-04-CA-007-LY
(Consolidated with A-04-CA-390-LY)

MICRON TECHNOLOGY, INC.,
PLAINTIFF,

V.

MOTOROLA, INC.,
DEFENDANT.

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ORDER

Before the Court are Plaintiffs' Motion for Consolidation under Federal Rule of Civil Procedure 42(a) filed July 7, 2004 (Doc. #39) and Defendant Micron Technology Inc.'s Opposition to Plaintiffs' Motion for Consolidation under Federal Rule of Civil Procedure 42(a) filed July 19, 2004 (Doc. #42). Having considered the motion and response, the Court is of the opinion that it should be granted.

IT IS THEREFORE ORDERED that Plaintiffs' Motion for Consolidation under Federal Rule of Civil Procedure 42(a) filed July 7, 2004 (Doc. #39) is **GRANTED**. The Clerk and the parties in this cause are **ORDERED** use the above-referenced style for all future pleadings.

Also before the Court are Defendant Micron Technology, Inc.'s Motion to Dismiss, or in the Alternative Transfer, Motorola's Newly Added Amended Counterclaims filed April 30, 2004 (Doc.

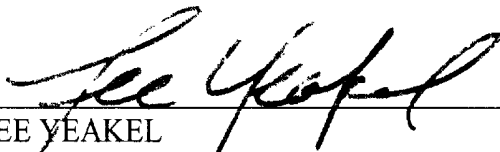
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#18); Plaintiff Motorola, Inc.'s Response to Motion to Dismiss, or in the Alternative Transfer, Motorola's Newly Added Amended Counterclaims filed May 14, 2004 (Doc. #22); and Micron's Reply to Motorola's Response to Motion to Dismiss, or in the Alternative Transfer, Motorola's Newly Added Amended Counterclaims filed May 21, 2004 (Doc. #28). Having considered the motion, response, and reply, the Court is of the opinion that the motion should be denied.

IT IS THEREFORE ORDERED that Defendant Micron Technology, Inc.'s Motion to Dismiss, or in the Alternative Transfer, Motorola's Newly Added Amended Counterclaims filed April 30, 2004 (Doc. #18) is **DENIED**.

IT IS FINALLY ORDERED that the Scheduling Order issued in Cause No. A-04-CA-007 on July 7, 2004 (Doc. #40), shall apply to the consolidated cause.

SIGNED this 27th day of July, 2004.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE